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NEWSLETTERS

# Epileptic Detainee, Prison Operator End Negligence Suit

By [Micah Danney](#) · [Listen to article](#)

Law360 (October 12, 2023, 1:56 PM EDT) -- Akima Global Services LLC and a Peruvian man who sued the private prison operator in federal court in Florida, accusing it of denying him medical care and accommodations for his epilepsy, agreed to end the lawsuit five days before the start of a jury trial, according to court filings.

In a joint filing on Wednesday, Alejandro Mugaburu and Akima agreed to dismiss the case with prejudice, with each party responsible for its attorney fees, costs and expenses. U.S. District Judge Kathleen M. Williams of the Southern District of Florida issued a brief order closing the case.

An attorney for Mugaburu, Eduardo Maura, told Law360 on Thursday that he couldn't share further details of the agreement as they had not been finalized.

"All I can tell you is that based on our conversations, we filed [for] dismissal," Maura said.

Attorneys for Akima did not respond to a request for comment on Thursday.

Mugaburu, who arrived in the U.S. on a nonimmigrant visitor visa in 2015, was arrested and then transferred a few years later into the custody of [U.S. Immigration and Customs Enforcement](#) following an incident with his ex-girlfriend.

He launched his [suit](#) in October 2020, accusing employees of the [U.S. Department of Homeland Security](#), ICE and Akima of unlawful mistreatment related to his epilepsy and injuries he suffered while in detention. He said Akima staffers placed him in second-story sleeping quarters on a top bunk despite his being in a wheelchair, denied his requests for medical attention, failed to provide him with a medical shower chair and forced him to use bathrooms that didn't have wheelchair access. Mugaburu also said he was placed in isolation for weeks at a time to limit his need for a wheelchair.

In June, Akima filed for summary judgment, and in August asked the judge to exclude evidence related to claims against individual employees that had been dismissed if the case proceeded to trial.

"The only claim potentially proceeding to trial involves a claim of negligence related to the alleged failure to provide medication, and the failure to provide purported accommodations," Akima said.

Judge Williams mostly denied the summary judgment bid last week, allowing negligence claims alleging rough treatment by Akima employees while moving him to proceed along with claims that the company failed to ensure Mugaburu's physical safety and denied him medical care.

The judge dismissed one claim related to neglect during his transportation because Mugaburu couldn't remember certain details about one trip, according to her order Friday.

Mugaburu is represented by Luis F. Quesada Machado and Eduardo A. Maura of Ayala Law PA.

Akima Global Services and the staffers are represented by Heather F. Crow and Amiel J. Provosty of the

[Kullman Firm.](#)

The federal government is represented by Frank DeLuccia of the [U.S. Attorney's Office for the Southern District of Florida](#).

The case is Mugaburu v. Akima Global Services LLC et al., case number 1:21-cv-24462, in the [U.S. District Court for the Southern District of Florida](#).

--Editing by Karin Roberts.

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